

Application No. 09/817,833  
Amendment dated January 17, 2006  
Reply to Office Action of October 19, 2005

## **REMARKS**

### **Status Of Application**

Claims 1-21 are pending in the application; the status of the claims is as follows:

Claims 6-18, and 20 are objected to because of informalities.

Claim 20 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 3-5, 19, and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,115,262 to Komiya ("Komiya").

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Komiya in view of U.S. Patent No. 5,077,613 to Hirao et al. ("Hirao").

Claims 6, 7, 10, 11, 13, 18, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komiya in view of U.S. Patent No. 6,636,262 B1 to Okajima et al. ("Okajima").

Claims 8, 9, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komiya in view of Okajima, and further in view of U.S. Patent No. 5,610,654 to Parulski et al ("Parulski.").

Claims 14-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komiya in view of Okajima, and further in view of U.S. Patent No. 6,686,966 B1 to Hashimoto ("Hashimoto").

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### **Claim Amendments**

Claims 6, 10, 11, 13, and 20 have been amended to correct minor informalities identified in the Office Action. Claim 20 has also been amended to improve the form thereof. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

### **35 U.S.C. § 112 Rejection**

Claim 20 has been amended. It is respectfully submitted that amendment moots the rejection of claim 20 under the second paragraph of 35 U.S.C. § 112.

### **35 U.S.C. § 102(b) Rejection**

The rejection of claims 1, 3-5, 19, and 21 under 35 U.S.C. § 102(b) as being anticipated by Komiya, is respectfully traversed based on the following.

It is stated in section 2 of the Office Action, that the optical system is not in focus at positions P1 and P2; therefore, "P1 and P2 are outside the region of focus; therefore, the depth of field must be a region between, but not including P1 and P2 in Figs. 2-3." It is respectfully submitted that the Komiya does not support this interpretation. Specifically, Komiya merely states that P1 is a maximum sampled focus signal, that P0 and P2 are sample focus signals on either side of P1, and that Px is the peak focus signal. There is no discussion whatsoever that any of P0, P1, or P2 are inside/outside the region of focus. *See* column 2, line 51 to column 3, line 6. Nor are any of P0, P1, and P2 inherently inside/outside of the region of focus. Note also, that the relative positions of points P0, P1, and P2 in Figs. 2-3 cannot be relied upon because Komiya does not state that the drawings are to scale. *See* MPEP 2125. Thus, it is mere speculation as to whether any of the points in Figs. 2-3 are inside or outside of the region of focus.

In light of the foregoing, it is respectfully submitted that Komiya does not expressly or inherently disclose a "a driver for driving a taking lens in steps each

producing movement of said taking lens through a distance greater than a depth of field” as required by claim 1. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the ... claim, and arranged as required by the claim. *See* MPEP § 2131. It is respectfully submitted therefore, that Komiya is distinguished by claim 1, as well as by claims 3-5 which depend therefrom.

Claim 19 recites, *inter alia*, “driving a taking lens in steps each producing movement of said taking lens through a distance greater than a depth of field.” As provided above in respect of claim 1, this feature of claim 19 is not explicitly or inherently disclosed by Komiya. Therefore, Komiya is distinguished by claim 19.

Claim 21 recites, *inter alia*, “the controller causes the driver to move the focusing lens by a distance corresponding to moving a focal plane of the optical system by an amount greater than a depth of field of the optical system.” As provided above in respect of claim 1, this feature of claim 21 is not explicitly or inherently disclosed by Komiya. Therefore, Komiya is distinguished by claim 21.

Accordingly, it is respectfully requested that the rejection of claims 1, 3-5, 19, and 21 under 35 U.S.C. § 102(b) as being anticipated by Komiya, be reconsidered and withdrawn.

### **35 U.S.C. § 103(a) Rejections**

The rejections of claim 2, 6-18, and 20 under 35 U.S.C. § 103(a), as being unpatentable over Komiya various combinations with Hirao, Okajima, Parulski, and Hashimoto are respectfully traversed based on the following.

Claims 2, and 6-18 depend from claim 1; claim 20 depends from claim 19. As provided above, Komiya does not expressly or inherently disclose all elements of either of

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claims 1 and 19. It is respectfully submitted that none of the art of record provides a disclosure, teaching, or suggestion to provide the missing element. Therefore, claims 2, 6-18, and 20 distinguish over the art of record for at least the same reason as their respective base claim.

Accordingly, it is respectfully requested that the rejection of claims 2, 6-18, and 20 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin LLP Deposit Account No. 18-1260.


If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No.  
18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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